

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DENISE MILLER,

Plaintiff,

v.

FIRST NATIONAL BANK, *et al.*

Defendants.

Case No. 1:23-cv-01331-NODJ-CDB

ORDER REQUIRING DEFENDANT FIRST  
NATIONAL BANK TO SHOW CAUSE  
WHY SANCTIONS SHOULD NOT BE  
IMPOSED FOR FAILURE TO APPEAR AT  
SCHEDULING CONFERENCE

(Doc. 13)

THREE (3)-DAY DEADLINE

On September 7, 2023, Plaintiff Denise Miller initiated against Defendants First National Bank and Experian Information Solutions Inc. for violations of the Fair Credit Reporting Act and the California Rosenthal Fair Debt Collection Practices Act. (Doc. 1). The following day, the Court set an initial scheduling conference. (Doc. 3). On December 5, 2023, the Court reset the scheduling conference to December 18, 2023, as counsel for Defendant First National Bank had not executed the parties' joint scheduling report. (Doc. 13).

On December 18, 2023, the Court held a scheduling conference via Zoom. Garret F. Charity appeared on behalf of Plaintiff and Kja Harper-Gopaul appeared on behalf of Defendant Experian Information Solutions, Inc. No counsel for Defendant First National Bank appeared.

Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules

1 or with any order of the Court may be grounds for imposition by the Court of any and all sanctions  
2 . . . within the inherent power of the Court.” The Court has the inherent power to control its docket  
3 and may, in the exercise of that power, impose sanctions where appropriate, including dismissal  
4 of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000).

5 While the Court acknowledges that counsel transmitted an email communication to the  
6 undersigned’s courtroom deputy shortly after the Court terminated the scheduling conference to  
7 express his apology, more is required. The scheduling conference had been calendared well in  
8 advance, the courtroom deputy had provided Zoom videoconference connection information to  
9 counsel in advance, and if counsel for First National Bank was unable to appear, he had a duty to  
10 contact the Court and/or other counsel prior to the conference to request whatever information  
11 necessary to facilitate their appearance.

12 Accordingly, IT IS HEREBY ORDERED, Defendant First National Bank shall show cause  
13 in writing within three (3) days of entry of this order why sanctions should not be imposed for its  
14 failure to appear at the scheduling conference.

15 **Failure to comply with this order to show cause may result in the imposition of**  
16 **sanctions.**

17 IT IS SO ORDERED.

18 Dated: **December 18, 2023**

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20 UNITED STATES MAGISTRATE JUDGE